

FILED IN MY OFFICE
DISTRICT COURT CLERK
3/20/2013 3:17:52 PM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Monica Baca

JAMES EDWIN LANE,
Plaintiff,

v.

D-202-CV-2013-02671

APD OFFICER ROBERT M. STOCKTON,
APD OFFICER JOSEPH BURKE, and
APD OFFICER KEVIN TODACHEENIE,
Defendants.

COMPLAINT FOR DAMAGES FOR
FALSE ARREST AND FALSE IMPRISONMENT

JURISDICTION AND VENUE

Plaintiff brings this complaint under 42 U.S.C. Section 1983 for damages resulting from the Deprivation of Civil Rights inflicted upon him by Defendant Stockton. The Court has jurisdiction of this action under 28 U.S.C. Sec. 1343 and of the parties. Venue is proper in this judicial district as the incident complained of occurred in this district. Plaintiff alleges as follows:

PARTIES

1. Plaintiff is an individual and resides in Carrizozo, New Mexico. Plaintiff was a resident of Bernalillo County at the time of the incident described herein.
2. Defendant Stockton was a law enforcement officer for the Albuquerque Police Department. Defendant Stockton was acting under the color of state law and in the course and scope of his employment as a law enforcement officer with the Albuquerque Police Department. He is sued in his individual capacity.

3. Defendant Burke was a law enforcement officer for the Albuquerque Police Department. Defendant Burke was acting under the color of state law and in the course and scope of his employment as a law enforcement officer with the Albuquerque Police Department. He is sued in his individual capacity.

4. Defendant Todacheenie was a law enforcement officer for the Albuquerque Police Department. Defendant Todacheenie was acting under the color of state law and in the course and scope of his employment as a law enforcement officer with the Albuquerque Police Department. He is sued in his individual capacity.

FACTUAL BACKGROUND

5. In the evening on or about April 9, 2010, Plaintiff was at his home located at 6706 Cochiti #1 when Defendant Officer Stockton responded to a "neighbor dispute."

6. Defendant Officer Stockton asked Plaintiff whether he had been drinking alcohol. Plaintiff properly invoked his right to decline questioning by Defendant Officer Stockton.

7. Without any probable cause to believe Plaintiff was involved in any wrongdoing whatsoever, Defendant Officer Stockton looked up Plaintiff's name in NCIC.

8. Defendant Officer Stockton began to ask Plaintiff questions about whether he had previously lived in Rio Rancho or Los Lunas. Plaintiff advised him that he had not lived in those locations.

9. Defendants Stockton, Burke and Todacheenie then placed Plaintiff in handcuffs and placed him in the back of his car.

10. Defendant Officer Stockton claimed that Plaintiff was being arrested on an outstanding warrant.

11. Plaintiff was booked into the Metropolitan Detention Center (MDC) and placed into general population.

12. Plaintiff was threatened by other inmates and was then moved to solitary confinement.

13. Upon information and belief, Plaintiff was in solitary confinement for at least seven hours.

14. During the time that Plaintiff was wrongfully in jail, he was denied access to medications that are necessary for his health condition.

15. Finally, the following day, an MDC employee told Plaintiff: "You're not supposed to be here." Plaintiff was then taken downtown and released without any offer of assistance to get back home. Plaintiff was never charged with any criminal violation in connection with Defendant Officer Stockton's arrest of him.

COUNT I - FOURTH AMENDMENT CLAIM

16. Defendant Officers Stockton, Burke and Todacheenie deprived Plaintiff of his fourth amendment rights to be secure in his person by detaining and arresting him without probable cause.

17. Defendants' actions constituted a seizure within the meaning of the fourth amendment's prohibition of unreasonable seizures.

18. The detention of Plaintiff was wrongful, without reasonable suspicion or probable cause and deprived Plaintiff of his fourth amendment right to be free of unreasonable seizures.

19. The actions of defendants proximately caused damages to Plaintiff as previously alleged.

20. Defendants acted willfully, knowingly and purposefully and/or with deliberate indifference to deprive the Plaintiff of his constitutional rights. As a result of the nature of defendant's conduct, Plaintiff is entitled to recover punitive damages against the individual defendant.

**COUNT II - FOURTH AMENDMENT CLAIM FOR
EXCESSIVE USE OF FORCE**

21. Plaintiff has and had a fourth amendment right to be free from excessive force.

22. Defendants denied Plaintiff the right to be free of excessive force.

23. Defendant never alleged that Plaintiff committed any acts of violence or any other valid reason to use force on him in the manner alleged above.

24. The force that the individual officer used against Plaintiff was objectively unreasonable under the true circumstances.

25. Defendants' actions were willful, wanton, obdurate, and in gross and reckless disregard of Plaintiff's rights

COUNT III – FALSE ARREST & IMPRISONMENT

26. Defendant Officers Stockton, Burke and Todacheenie arrested and imprisoned Plaintiff without probable cause or any other legal justification to do so.

27. The detention of Plaintiff was not justified or privileged under state law and constituted a false arrest and imprisonment for which immunity has been waived by NMSA 1978, § 41-4-12.

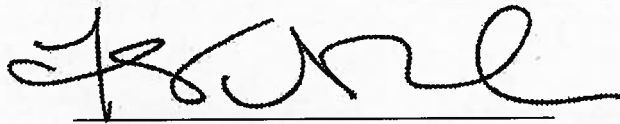
28. The defendant police officers acted willfully, recklessly, and wantonly.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief:

- I. Actual and compensatory damages sufficient to make him whole against the Defendants;
- II. Punitive damages against Defendants sufficient to punish him and to deter further wrongdoing;
- III. Attorneys' fees, litigation expenses, costs, pre- and post-judgment interest as provided by law; and
- IV. Such other and further relief as the Court deems just and proper.

Respectfully submitted,



Feliz A. Rael

505 Marquette NW, Suite 1300

Albuquerque, NM 87102

Tel: 505-610-5991

Fax: 505-938-2301

frael@swcp.com

Attorney for Plaintiff

FILED IN MY OFFICE
DISTRICT COURT CLERK
3/20/2013 3:17:52 PM
GREGORY T. IRELAND

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

Monica Baca

JAMES EDWIN LANE,
Plaintiff,

D-202-CV-2013-02671

v.

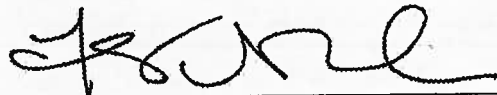
APD OFFICER ROBERT M. STOCKTON,
APD OFFICER JOSEPH BURKE, and
APD OFFICER KEVIN TODACHEENIE,

Defendants.

JURY DEMAND

Plaintiff, through his attorney, hereby demands a jury of six in his trial and hereby
tenders the appropriate fee in the amount of \$150.00.

Respectfully submitted:



Feliz A. Rael
505 Marquette Ave. NW, Suite 1300
Albuquerque, NM 87102
Tel: (505) 610-5991 Fax: (505) 938-2301

Attorney for Plaintiff